In the High Court of Uttaranchal, at Nainital.

Delay Condonation Application No. 8241/2005
In
Def. Special Appeal No.40/2005

State for Uttaranchal through Secretary to Government Horticulture Department, Uttaranchal Government, Dehradun and six others……. Appellants.

Vs.

Hukum Singh Chauhan and 14 others…… Respondents.

Sri B.D. Kdandpal, Learned S.C. for the appellants.
Sri N.S. Negi, Advocate for the respondents.

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 15-5-2006

The State of Uttaranchal has filed this Special Appeal by which judgment and order dated 19-7-2004 passed by the Single Judge of this Court in W.P. No. 5319 (S/S) of 2001 (old No. 23579/1996) Hukum Singh and others versus State of U.P. and others, has been challenged.

2- The State has also filed an application U/S 5 of the Limitation Act for condonation of delay in filing the Special Appeal before this Court along with an affidavit filed in support thereto. The Stamp Reporter has made the remark that the Special Appeal is time barred by 405 days.

3- We have perused the grounds taken in the affidavit, by which the reasons for delay have been explained but we are of the view that the reasons averred in the affidavit are not satisfactory. The State has not satisfactorily explained the inordinate delay in filing the present appeal before his Court.

4- Accordingly the application U/S 5 for the Limitation Act is rejected. Consequently the Special Appeal is also dismissed.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ISB